

**BEFORE THE
FEDERAL ELECTION COMMISSION**

Corey Dillon
Executive Director
Missouri Democratic Party
208 Madison St.
Jefferson City, MO 65101,

Complainant,

v.

John Doe;

Talent for Senate, Inc.
147 N. Meramec
Suite 100
St. Louis, MO 63105; and

James M. Talent
147 N. Meramec
Suite 100
St. Louis, MO 63105,

Respondents.

MUR No. 5776

2006 JUL 27 A 11:46
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

COMPLAINT

Complainant files this complaint against an unknown John Doe; Talent for Senate, Inc.; and James M. Talent ("Respondents"), for violations of the Federal Election Campaign Act and Federal Election Commission regulations, as described below.

I. FACTS

On Thursday, July 20, 2006, the attached newspaper advertisement appeared in the St. Louis Metro Sentinel Journal. The advertisement included the following text: "AFRICAN AMERICANS TURN-OUT IN RECORD NUMBERS TO SUPPORT RE-ELECTION

EFFORTS OF U.S. SENATOR JIM TALENT. WE NEED TO RETURN SENATOR TALENT TO CONGRESS. HE IS A GOOD FRIEND."

The advertisement also included a statement on the bottom: "Donated by A Friend." No other text appears on the advertisement.

II. ARGUMENT

A. Legal Background

2 U.S.C. § 441d(a) requires that a disclaimer appear "whenever any person makes a disbursement for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate." When a communication is paid for by a person not authorized by a candidate, the disclaimer "shall clearly state the name and permanent street address, telephone number or World Wide Web address of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee." *Id.* § 441d(a)(3); *see also* 11 C.F.R. § 110.11(b)(3).

Disclaimers "must be presented in a clear and conspicuous manner." *Id.* § 110.11(c)(1). For printed communications, the disclaimer "must be of sufficient type size to be clearly readable"; it "must be contained in a printed box set apart from the other contents of the communication"; and it "must be printed with a reasonable degree of color contrast." *See id.* § 110.11(c)(2).

B. Application to Facts

The public has a right to know who is spending funds to influence federal elections, and whether political advertising is coordinated with, or independent from, a candidate or political party. Public disclosure is at the heart of federal election law and its registration and reporting requirements. This advertisement is a brazen attempt to thwart those requirements and deny the public its right to know who is behind political advertising.

The person responsible for this communication has placed an advertisement that expressly advocates for the re-election of Jim Talent to the United States Senate. Under the applicable statutory and Federal Election Commission regulations, this communication requires a

clear and conspicuous disclaimer notifying the public as to the identify of the payor and whether or not it was authorized by Talent. The advertisement purposefully avoids including this information, using instead the pseudonym "A Friend." The perpetrator has knowingly evaded federal requirements to make political expenditures public and transparent.

Moreover, because the advertisement does not include the federally-required statement of whether or not it was authorized by a candidate or candidate's committee, the public has no way of knowing whether this communication was done independent of, or in conjunction with, Talent or his campaign committee, or whether Talent for Senate, Inc. should be required to report this advertisement as an in-kind contribution.

III. REQUESTED ACTION

This as-yet unknown John Doe has knowingly and willfully violated the Federal Election Campaign Act. Accordingly, we request that the Commission investigate to determine this person's identity, and that he or she be enjoined from further violations and be fined the maximum amount permitted by law. Furthermore, we request that the Commission investigate the involvement of Talent for Senate, Inc. and Jim Talent to determine whether they have conspired to produce and disseminate this illegal political communication.

Sincerely,

Corey Dillon
Corey Dillon

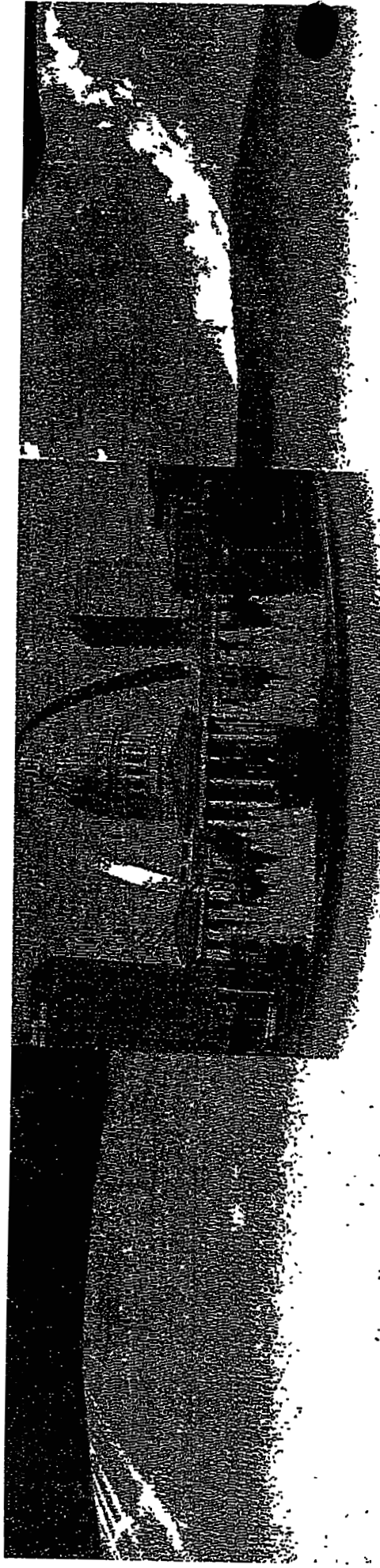
SUBSCRIBED AND SWORN to before me this 25 day of July, 2006.

Kelli Findley
Notary Public

My Commission Expires:

01-22-2010

KELLI FINDLEY
Notary Public - Notary Seal
STATE OF MISSOURI
County of Cole
My Commission Expires 1/22/2010
Commission # 06827679



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SUPPORT RE-ELECTION EFFORTS OF U.S. SENATOR JIM TALENT
WE NEED TO RETURN SENATOR TALENT TO CONGRESS,
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Donated by A Friend
